

EDWIN J. RICHARDS (SBN 43855)
Email: Ed.Richards@kutakrock.com
ANTOINETTE P. HEWITT (SBN 181099)
Email: Antoinette.hewitt@kutakrock.com
CHRISTOPHER D. GLOS (SBN 210877)
Email: Christopher.Glos@kutakrock.com
KEVIN J. GROCHOW (SBN 288586)
Email: Kevin.Grochow@kutakrock.com
KUTAK ROCK LLP
5 Park Plaza, Suite 1500
Irvine, CA 92614-8595
Telephone: (949) 417-0999
Facsimile: (949) 417-5394

**[EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT
CODE § 6103]**

Attorneys for Defendants
CITY OF PALOS VERDES ESTATES and
CHIEF OF POLICE JEFF KEPLEY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA; WESTERN DIVISION**

CORY SPENCER, an individual;
DIANA MILENA REED, an
individual; and COASTAL
PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation,

Plaintiffs,

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF
THE LUNADA BAY BOYS,
including but not limited to SANG
LEE, BRANT BLAKEMAN,
ALAN JOHNSTON aka JALIAN
JOHNSTON, MICHAEL RAE
PAPAYANS, ANGELO
FERRARA, FRANK FERRARA,
CHARLIE FERRARA and N.F.;
CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE
JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

Case No. 2:16-cv-02129-MWF-RAO

Assigned to
District Judge: Hon. Michael W.
Fitzgerald
Courtroom: 5A First Street Courthouse

Assigned Discovery:
Magistrate Judge: Hon. Rozella A. Oliver

**[EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT CODE §
6103]**

**SUPPLEMENTAL DECLARATION
OF KEVIN J. GROCHOW IN
SUPPORT OF DEFENDANTS CITY
OF PALOS VERDES ESTATES AND
CHIEF OF POLICE JEFF KEPLEY'S
SUR-REPLY TO PLAINTIFFS'
MOTION TO STAY
ENFORCEMENT OF COSTS
JUDGMENT**

Vacated Date: July 20, 2020

Complaint Filed: March 29, 2016
Trial: N/A

SUPPLEMENTAL DECLARATION OF KEVIN J. GROCHOW

I, Kevin J. Grochow, declare as follows:

1. I am a partner with the law firm Kutak Rock, LLP, counsel of record for Defendants City of Palos Verdes Estates and Chief of Police Jeff Kepley (collectively, “Defendants”) in the above captioned action. I am a member in good standing of the State Bar of California. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would competently testify to such facts under oath.

2. A true and correct copy of the July 14, 2020 Order Granting Defendant City of Palos Verdes Estates’ (“City”) Motion for Judgment on the Pleadings with Leave to Amend in *Spencer, et al. v. Lunada Bay Boys, et al.*, Case No. BC629596 (Los Angeles County Superior Court) is attached as Exhibit A to Defendants’ Supplemental Request for Judicial Notice (“SRJN”), with relevant portions highlighted.

3. A true and correct copy of the Court’s July 14, 2020 Minute Order granting Defendant’s Motion for Judgment on the Pleadings in *Spencer, et al. v. Lunada Bay Boys, et al.*, Case No. BC629596 (Los Angeles County Superior Court) is attached as Exhibit B to Defendants’ SRJN.

4. A true and correct copy of the Reporter’s Transcript of Proceedings from the July 9, 2020 hearing on the City’s Motion for Judgment on the Pleadings in *Spencer, et al. v. Lunada Bay Boys, et al.*, Case No. BC629596 (Los Angeles County Superior Court) is attached as Exhibit C to Defendants’ SRJN, with relevant portions highlighted.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 15th day of July, 2020 at Irvine, California.

s/ Kevin J. Grochow

Kevin J. Grochow

CERTIFICATE/PROOF OF SERVICE

Spencer, et al. v. Lunada Bay Boys, et al.

USDC Central District Case No. 2:16-cv-02129-MWF-RAO
I, Joanne Kenney, declare:

I am a citizen of the United States and employed in Orange County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 5 Park Plaza, Suite 1500, Irvine, California 92614-8595.

On July 15, 2020, I electronically filed the attached document:

**SUPPLEMENTAL DECLARATION OF KEVIN J. GROCHOW IN
SUPPORT OF DEFENDANTS CITY OF PALOS VERDES ESTATES
AND CHIEF OF POLICE JEFF KEPLEY'S SUR-REPLY TO
PLAINTIFFS' MOTION TO STAY ENFORCEMENT OF COSTS
JUDGMENT**

with the Clerk of the court using the CM/ECF system which will then send a notification of such filing to the following:

Alison Kathleen Hurley	ahurley@bremerwhyte.com
Candice P. Shih	cshih@hansonbridgett.com
Courtney Marie Serrato	cserrato@bremerwhyte.com
Dana Alden Fox	dana.fox@lewisbrisbois.com
Daniel Michael Crowley	dmcrowley@boothmitchel.com
Edward E. Ward, Jr.	edward.ward@lewisbrisbois.com
J. Patrick Carey	pat@patcareylaw.com
John Peter Worgul	jworgul@veatchfirm.com
Kavita Tekchandani	kavita@ottenlawpc.com
Kurt A. Franklin	kfranklin@hansonbridgett.com
Lisa M. Pooley	lpooley@hansonbridgett.com
Mark Fields	fields@markfields.com
Peter H. Crossin	pcrossin@veatchfirm.com
Peter T. Haven	peter@havenlaw.com
Richard Paul Dieffenbach	rdieffenbach@veatchfirm.com
Robert Scott Cooper	rcooper@buchalter.com
Samantha D. Wolff	swolff@hansonbridgett.com
Serena Lee Nervez	snervez@veatchfirm.com
Thomas M. Phillips	tphillips@thephillipsfirm.com
Tyson M. Shower	tshower@hansonbridgett.com
Victor J. Otten	vic@ottenlawpc.com

I hereby certify that I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am

1 readily familiar with the firm's practice for collection and processing documents for
2 mailing. Under that practice, this(these) document(s) will be deposited with the
3 U.S. Postal Service on this date with postage thereon fully prepaid at Irvine,
4 California in the ordinary course of business. I am aware that on motion of the
5 party served, service is presumed invalid if postal cancellation date or postage
6 meter date is more than one day after date of deposit for mailing in affidavit.

7 I hereby certify that I am employed in the office of a member of the Bar of
8 this Court at whose direction the service was made.

9 I declare under penalty of perjury under the laws of the State of California
10 that the above is true and correct.

11 Executed on **July 15, 2020**, at Irvine, California.

12 
13 Margo Reyes

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.

USDC Central District Case No. 2:16-cv-02129-MWF-RAO

Tera A. Lutz, Esq.
Lewis Brisbois Bisgaard and Smith
LLP
633 West 5th Street, Suite 4000
Los Angeles, CA 90071